

FKGGBB DOCKET NO. 782-A03-023



## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled

### METHOD AND DEVICE FOR SECURING BODY TISSUE

and for which a patent application:

\_\_\_\_\_ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable).

X was filed in the United States on February 17, 2004 as Application No. 10/780,444.

\_\_\_\_\_ was filed as PCT international Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application the priority of which is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THIS APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(c) of any United States provisional application(s) listed below:

APPLICATION NUMBER	FILING DATE


FKGGBB DOCKET NO. 782-A03-023

I hereby claim the benefit of United States priority under Title 35, United States Code §120 of any United States application(s) or §365(c) of any PCT international applications designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is disclosed in a listed one of the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NO.	FILING DATE	STATUS		
		Patented	Pending	Abandoned
10/228,855	August 27, 2002		X	
10/458,117	June 10, 2003		X	
10/076,919	February 15, 2002	X		
09/524,397	March 13, 2000	X		

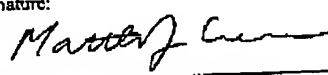
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## NAME OF SOLE OR FIRST INVENTOR:

FULL NAME OF INVENTOR:	LAST, first middle: BONUTTI, Peter M.		
SIGNATURE & DATE:	Signature: 	Date: 6/14/04	
MAILING ADDRESS:	Street, city, state/country and zip code: 1303 Evergreen Avenue P.O. Box 1387 Effingham, IL 62401		
RESIDENCE:	City: Effingham	State or foreign country: IL	
COUNTRY OF CITIZENSHIP:	US		

FKGGBB DOCKET NO. 782-A03-023

## NAME OF SECOND INVENTOR:

FULL NAME OF INVENTOR:	LAST, first middle: CREMENS, Matthew J.	
SIGNATURE & DATE:	Signature: 	Date: 6/17/2004
MAILING ADDRESS:	Street, city, state/country and zip code: Box 1, Route 2 Effingham, IL 62401	
RESIDENCE:	City: Effingham	State or foreign country: IL
COUNTRY OF CITIZENSHIP:	US	



Express Mail Label No.:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): P. Bonutti

Confirmation No.: 2789

Application No.: 10/780,444

Group Art Unit: 3731

Filed: February 17, 2004

Examiner:

For: METHOD AND DEVICE FOR SECURING BODY TISSUE Attorney Docket No: 782-A03-023

**POWER OF ATTORNEY BY ASSIGNEE AND EXCLUSION OF INVENTOR(S)  
UNDER 37 C.F.R. 3.71 WITH STATEMENT UNDER C.R.F 3.73(b)**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints the practitioners associated with

**Customer No. 33771**

all of Fleit, Kain, Gibbons, Gutman, Bongini & Bianco P.L. whose address is 601 Brickell Key Drive, Suite 404, Miami, FL 33131, as its attorney(s) or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these practitioners ceases being affiliated with Customer No. 33771, then the appointment of that practitioner and all powers derived therefrom shall terminate on the date such practitioner ceases being so affiliated.

Please direct all correspondence for this application to customer number no. 33771

I am the:



Applicant/Inventor  
Assignee of record of the entire interest. See 37 CFR 3.71.  
(Statement under 37 C.R.F 3.73(b) is applicable)

## Statement Under 37 C.R.F 3.73(b)

states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title, and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

In the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_,  
Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ to: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_,  
Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ to: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_,  
Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ to: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_,  
Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments of other documents in the chain of title are attached.  
[Note: A separate copy (i.e., the original assignment document or true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08.]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: BONUTTI 2003 TRUST (PART B)

Date: 6/10/04

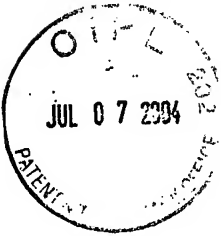
Signature: 

Peter M. Bonutti

Position/Title: Trustee

Address: 1303 Evergreen Ave  
P.O. Box 1387  
Effingham, IL 62401

DOCKET NO. 782-A03-023

**ASSIGNMENT**

WHEREAS, we, **Peter M. Bonutti and Matthew J. Cremens**, ASSIGNORS, whose residences and countries of citizenship are as stated underneath our signatures below, are the inventors of the invention in

**METHOD AND DEVICE FOR SECURING BODY TISSUE**

for which we have executed an application for a Patent of the United States

☒ for which an application for a United States Patent was filed on February 17, 2004  
Application Number 10/780,444.

☐ which is executed on even date herewith,

and, WHEREAS, **BONUTTI 2003 TRUST (Part B)**, ASSIGNEE, is desirous of obtaining our entire, right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof.

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

DOCKET NO. 782-A03-023

AND WE HEREBY grant the firm of Fleit, Kain, Gibbons, Gutman, Bongini & Bianco P.L. the power to insert into this Assignment any further identification which may be necessary or desirable to comply with the rules of the United States Patent and Trademark office for recordation of this Assignment.

IN TESTIMONY WHEREOF, we hereunto set our hands and seals the day and year set opposite our respective signatures.

FIRST INVENTOR:

Peter M. Bonutti

Date: 6-29-04Signature: 

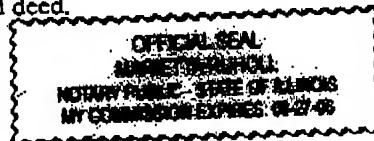
Residence: 1303 Evergreen Avenue, Effingham, IL 62401

Country of citizenship: USState of Illinois

SS:

County of Effingham


On this 29 day of June, 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Peter M. Bonutti to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



  
Notary Public

SECOND INVENTOR:

Matthew J. Cremens

Date: 6-17-04Signature: 

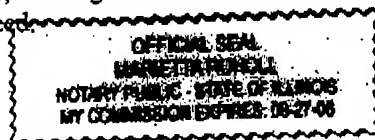
Residence: Box 1, Route 2, Effingham, IL

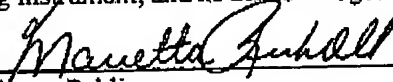
Country of citizenship: USState of Illinois

SS:

County of Effingham

On this 6/17 day of June, 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Matthew J. Cremens to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



  
Notary Public